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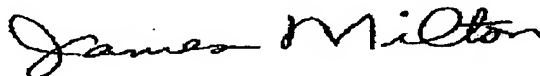
IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

Inventor(s): Kailash K. Mutha
Case No.: LUC-430/ Mutha 1
Serial No.: 10/726,046
Filing Date: 12/02/2003
Title: EMPLOYMENT OF ONE OR MORE IDENTIFIERS OF ONE OR MORE
COMMUNICATION DEVICES TO DETERMINE ONE OR MORE
INTERNET PROTOCOL ADDRESSES

Examiner Saket K. Daftuar
Art Unit: 2451

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being sent via facsimile transmission to Commissioner for Patents, Mail Stop Amendment, Group Art Unit 2451, Attention: Examiner Saket K. Daftuar, P.O. Box 1450, Alexandria, VA 22313-1450, at fax number (571) 273-8300, on March 22, 2010.



James Milton
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Date of Signature: March 22, 2010

Commissioner for Patents
Mail Stop Amendment
Group Art Unit 2451
Attention: Examiner Saket K. Daftuar
P.O. Box 1450
Alexandria, VA 22313-1450
Fax Number (571) 273-8300

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Dear Sir:

Applicants request review of the final rejection of this application. No amendments are being filed with this request. This request is being filed with a Notice of Appeal. The review is requested for the reasons stated on the attached sheets.

REMARKS

Claims 1-30 are pending in the application. Claims 1-30 were rejected under 35 U.S.C. § 103 (a).

Rejections Under 35 U.S.C. § 103 (a)**Rejection Under Sridhar, Thompson, Gonzales and Jacobi**

Claims 1-2, 5-11, 14-15 and 19-30 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over U. S. Patent Number 6,324,582 issued to Sridhar on November 27, 2001 and U. S. Patent Application Number 2002/0075304 issued to Thompson dated June 20, 2002 and U. S. Patent Number 6,901,139 issued to Gonzales on May 31, 2005, and further in view of U. S. Patent Number 6,584,095 issued to Jacobi on June 24, 2003.

Applicant respectfully traverses this ground of rejection for the following reasons.

First, applicant's claim 1 recites,

"one or more server components operable to communication with one or more router components, wherein the one or more server components employ one or more identifiers of one or more communication devices to make a determination of one or more internet protocol addresses of the one or more router components, and wherein the one or more identifiers comprise any one or more of:

a phone number for one or more users associated with the one or more communication devices;

an email address for the one or more users associated with the one or more communication devices;

an instant message name for the one or more users associated with the one or more communication devices; and

a user name for the one or more users associated with the one or more communication devices;

wherein the one or more server components assign an internet protocol address to the one or more communication devices, and wherein the one or more server components employ at least one of the one or more identifiers and one or more screening preferences to direct a voice over Internet Protocol (VOIP) call as

one of one or more messages or calls through the one or more router components to the one or more communication devices, and wherein at least one of the one or more screening preferences is an alert preference which directs the communication devices to employ a different ring tone or message alert for the one or more messages or calls."

As stated in the Final Office Action, Sridhar, Thompson and Gonzales do not teach or suggest "wherein the one or more server components assign an internet protocol address to the one or more communication devices".

Jacobi does not teach or suggest the elements either. Applicant agrees that Jacobi discloses a technique in which multiple interconnected networks independently assign multiple dynamic telephony addresses to each wireless communication device that registers in more than one network. However, the proposed combination of Sridhar with Jacobi does not reflect the specific limitations recited in applicant's claim 1 since the resultant system would not be a properly functioning system.

Specifically, the two references present different and conflicting techniques for servers to communicate with clients. More specifically, Sridhar discloses client application 611 executing on client computer 610 communicates over the Internet with server computers 618, 620, 632 through a gateway computer 612 that in turn communicates with Internet 100 through POP 614. See column 8, lines 48-51 and Fig. 6. Sridhar discloses in column 8, lines 60-66,

"From the point of view of a server computer, client computer 610 and gateway computer 612 function as a single client communication system 606. It appears to the server computer that an application on gateway computer 612, rather than an application on client computer 610, is requesting services. For example, the address of the client computer is generally not known by the server computer."

Since Sridhar's server computer does not know the address of the client computer, it cannot assign an internet address to the client computer.

By contrast, Jacobi discloses client devices, e.g., cellular phones, and gateways (See FIG. 1), however, Jacobi does not disclose that a client device and gateway computer function as a single client communication system from the point of view of a

server as required by Sridhar. Instead, Jacobi discloses router-servers capable of uniquely assigning a dynamic IP-telephony address to a particular wireless communication device 34, such as a cellular phone, as stated in column 4, lines 6-9. In effect, Jacobi's router-server uniquely assigns the dynamic internet address to the cellular phone because Jacobi's cellular phone and gateway computer do not function as a single client communication system from the point of view of the router-server, as contrasted with Sridhar's server computers that do not know or assign the address of the client computer because the client computer and gateway computer function as a single client communication system from the point of view of the server.

Thus, a person of ordinary skill would not look to modify Sridhar with the teachings of Jacobi because the proposed modification would change the principle operation of Sridhar. Since Jacobi discloses that router-servers uniquely assign dynamic internet addresses to wireless devices because the cellular phone and the gateway computer do not function as a single client communication system from the point of view of the router-server, the system resulting from the proposed combination would not be a properly functioning system based on Sridhar. See MPEP 2143.02 (The Proposed Modification Cannot Change the Principle of Operation of a Reference)

Therefore the proposed combination of Sridhar, Thompson, Gonzales and Jacobi does not teach or suggest all of the limitations in applicant's claim 1, and therefore claim 1 is allowable over the proposed combination. Since claims 2-14 and 22-29 depend from allowable claim 1, these claims are also allowable over the proposed combination.

Independent claims 15, 21 and 30 each have a limitation similar to that of independent claim 1, which was shown is not taught by the proposed combination of Sridhar, Thompson, Gonzales and Jacobi. For example, claim 15 recites, "assigning, via one or more server components, an internet protocol address to the one or more communication devices" and claim 21 recites "means in the computer-readable medium for assigning, via one or more server components, an internet protocol address to the one or more communication devices" and claim 30 recites "wherein the one or more router components assign an internet protocol address to the one or more communication devices". The proposed combination of Sridhar, Thompson, Gonzales and Jacobi does not teach or suggest these limitations for the above-mentioned

reasons. Therefore, claims 15, 21 and 30 are likewise allowable over the proposed combination. Since claims 16-20 depend from claim 15, these dependent claims are also allowable over the proposed combination.

Second, the proposed combination of Sridhar, Thompson, Gonzales and Jacobi does not teach or suggest the limitations of applicant's claim 23. This is because the proposed combination does not teach or suggest a "fixed wireless interface". The Office Action cites Thompson FIGs. 1-4 and paragraph 0078 as disclosing this element.

Again applicant disagrees. This is because the individuals using wireless phones in Thompson are mobile. See paragraphs 0078, 0106 and 0109. This means that the phones have roaming capabilities.

By contrast, fixed wireless, as used in applicant's claim 23, refers to wireless devices used to connect two fixed locations, e.g., homes, offices, etc., with a radio or other wireless link to the network. Also, fixed wireless does not allow roaming. Since the wireless devices disclosed by Thompson allow roaming, they cannot be considered "fixed wireless". Thus, Thompson is missing the "fixed wireless interface" element, as recited in applicant's claim 23.

Rejections Under Sridhar, Thompson, Gonzales, Jacobi, Conrath, Maes and Brooks

Claims 3-4, 12-13, 16-18 and 28 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over Sridhar, Gonzales, Jacobi and Thompson, and further in view of various references.

Applicant respectfully traverses these grounds of rejection.

These rejections are based on the rejection under Sridhar, Thompson, Gonzales and Jacobi being proper. As that ground of rejection has been overcome, and none of the cited references teach or suggest "wherein the one or more server components assign an internet protocol address to the one or more communication devices", as recited in applicant's independent claim 1, and "assigning, via one or more server components, an internet protocol address to the one or more communication devices" as recited in applicant's independent claim 15, and "means in the computer-readable medium for assigning, via one or more server components, an internet protocol address to the one or more communication devices" as recited in applicant's independent claim

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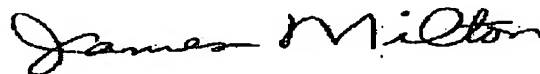
21, and "wherein the one or more router components assign an internet protocol address to the one or more communication devices", as recited in applicant's independent claim 30, the combination of Sridhar, Thompson, Gonzales, Jacobi, Conrath, Maes and Brooks does not supply these missing elements. Thus, these combinations do not make obvious any of applicant's claims, all of which require the aforesaid limitations.

Conclusion

In view of the above remarks, withdrawal of the rejections and/or reversal of the rejections of all claims pending is respectfully requested.

If a telephone conference would be of assistance in advancing the prosecution of this application, feel free to call applicants' attorney.

Respectfully submitted,



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Dated: March 22, 2010

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